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August 17, 1999

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Secretary

Federal Communications Commission

445 12th Street, S.W., Room TW-B204

Washington, D.C. 20554

Re: MM Docket No. 99-215
 RM-9337
Mason, Texas

Dear Ms. Salas:

Transmitted herewith, on behalf of Jayson D. Fritz and Janice M. Fritz, are an original and four copies of their "Reply Comments" in the above-referenced proceeding.

Should any further information be required concerning this matter, please communicate with this office.

Very truly yours,
 FLETCHER, HEALD & HILDRETH, P.L.C.



Anne Goodwin Crump

Counsel for Jayson D. Fritz and Janice M. Fritz

AGC:mah
 Enclosures

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ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 99-215
Table of Allotments, FM Broadcast Stations.)	RM-9337
(Mason, Texas))	

Directed to: Chief, Allocations Branch

REPLY COMMENTS

Jayson D. Fritz and Janice M. Fritz ("Fritz") , by their attorneys, hereby respectfully submit their Reply Comments in the above-captioned proceeding, in which the Commission has proposed the allotment of additional FM broadcast channels at Mason, Texas. With respect thereto, the following is stated:

1. BK Radio (the petitioner in this proceeding), Fritz, and Foxcom, Inc. ("Foxcom") are all mutually exclusive applicants for a construction permit for a new FM broadcast station to operate on Channel 249C2 at Mason. BK Radio has sought to eliminate the mutual exclusivity by requesting the allotment of additional channels at Mason, so that each applicant may receive a construction permit, and an additional channel will be available for other parties which might express an interest a channel at Mason.

2. BK Radio has submitted Comments in this proceeding in which it has reiterated its support for its proposal and its intent to amend its pending application to specify Channel 239C2. Fritz submitted Comments which indicated that Fritz was not opposed to the proposal, so long as

the Fritz application could retain Channel 249C2. Kent Foster filed an expression of interest in the additional Class C2 channel proposed to be made available at Mason. Foxcom, on the other hand, submitted Comments opposing the proposed allotment of an additional channel at Mason. Finally, Munbilla Broadcasting Corporation ("Munbilla") submitted a Counterproposal in which it proposed the allotment of Channel 239C2 to Menard, Texas, as a first local transmission service, the substitution of Channel 273C2 for Channel 249C2 at Mason, and the allotment of Channel 249C2 to Fredericksburg, Texas, as a second local transmission service.

3. Fritz will submit further comments on the substance of the Munbilla Counterproposal upon Commission release of a Public Notice requesting such comments. In the interim, however, Fritz expresses continuing opposition to the substitution of a new channel for Channel 249C2 at Mason. All of the Mason applications were filed in 1996 and have remained pending for the three years which have elapsed since that time. The Fritz application was filed with the expectation that Channel 249C2 was the channel on which a construction permit was awarded, and that expectation continued through the time that the application has remained pending. After the considerable delay involved in putting the Commission's broadcast auction procedures in place, all of the competing applications were initially scheduled to be included in the first auction. *See Public Notice - Closed Broadcast Auctions Scheduled for September 28, 1999*, DA 99-940, released May 17, 1999 at Attachment A. The Mason applications subsequently were removed from those to be included in the upcoming auction, apparently because of the BK Radio proposal. Now, at this late date, Munbilla seeks to add further disruption by substituting a new channel at Mason. The equities favor retaining Channel 249C2 at Mason for at least one applicant.

4. Moreover, it appears that Foxcom and Munbilla are attempting to manipulate the Commission's processes for some hidden end. While Foxcom and Munbilla do not acknowledge that there is any connection between Foxcom's Comments and Munbilla's Counterproposal, it is clear that there is such a link. Foxcom and Munbilla used the same attorney and the same technical consultant in their respective pleadings. Furthermore, there is apparently a family connection between the two entities. As set forth in the Foxcom application, the owners of Foxcom are A. Duane Fox, who is the majority stockholder, and B. Shane Fox. Duane Fox and Shane Fox are brothers. Shane Fox also is the President and CEO of Maxagrid Broadcasting Corp., the licensee of Stations KBAE(FM), Marble Falls, Texas, and KBLK(FM), Burnet, Texas. At one point in the Munbilla Comments, it states: "Maxagrid hereby advances the following Counterproposal...." Munbilla Comments at 3. Thus, it appears that Munbilla may actually be an alter ego for Maxagrid and Shane Fox, who, as set forth above, also has an ownership interest in Foxcom along with his brother. Apparently, then, Foxcom and another entity in which Shane Fox has an interest have filed both Comments and a Counterproposal, in two separate pleadings under two separate names. This action leads to the conclusion that the two brothers are working together toward a purpose which they have not acknowledged to the Commission. Indeed, Foxcom and Munbilla appear to have deliberately attempted to conceal the connection between the two entities. This concealment leads to the question of what else Foxcom and Munbilla may be hiding and what the true purpose of the filings may be. Such an attempt to obscure the identities of those putting forward the counterproposal also smacks of an abuse of the Commission's processes. The Commission should not adopt the Munbilla Counterproposal without inquiring further into the meaning and purpose of Munbilla and Foxcom's apparent

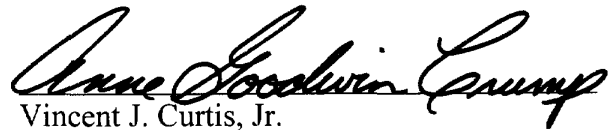
attempt at deception.

5. In light of the foregoing, should the Commission adopt BK Radio's proposal and allot the additional channels to Mason, it is clear that Fritz is the only party which has expressed a strong and continuing interest in maintaining Channel 249C2 at Mason. BK Radio has proposed that its application be amended to specify Channel 239C2. Further, as set forth above, a party related to Foxcom has now proposed the substitution of Channel 273C2 at Mason. Therefore, the equities favor granting the request expressed in the Fritz Comments that the Commission issue an order specifying that the Fritz application will retain Channel 249C2.

Respectfully submitted,

JAYSON D. FRITZ AND JANICE M. FRITZ

By:



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August 17, 1999

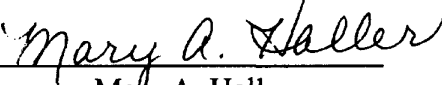
CERTIFICATE OF SERVICE

I, Mary A. Haller, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that true copies of the foregoing "Comments" were sent this 2nd day of August, 1999, by United States mail, postage prepaid, to the following:

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